

RESOLUTION NO. 20060824-003

WHEREAS, the City of Austin, owns a fully permitted and designated site for Water Treatment Plant # 4 (**WTP#4**) consisting of approximately 102 acres out of a 240 acre site purchased in 1984 at the headwaters of Bull Creek for WTP #4 (called "Original Site"); and

WHEREAS, at the request of its citizens-including members of advisory boards and commissions, the City has reviewed alternative sites for construction of WTP#4; and

WHEREAS, the City of Austin desires an alternative site for WTP#4; and

WHEREAS, the City of Austin owns approximately 1700 acres (known as "Cortaña") of Balcones Canyonlands Preserve (**BCP**) property in the same general vicinity of northwest Austin, approximately ¼ mile from the intersection of 620 and 2222, which meets the minimum site criteria needed to construct a water treatment plant; and

WHEREAS, Cortaña contains Black-Capped Vireo habitat that is less sensitive and more easily duplicated preserve habitat than the old growth Golden Cheeked Warbler habitat and pristine stream conditions of an undisturbed Bull Creek as they currently exist at the Original Site; and

WHEREAS, several approvals are necessary for the use of the Cortaño site for WTP#4; and

WHEREAS, in keeping with its commitment to the BCP, the City of Austin wanted to provide additional benefit for the taking of dedicated BCP preserve habitat for infrastructure improvements by dedicating additional City owned land to BCP, committing to sensitive construction methodologies for the WTP#4, and accelerating restoration of 400 acres to replace habitat lost or damaged by WTP4 construction, if it is constructed at the Cortaño site; and

WHEREAS, the Interlocal Cooperation Agreement between Travis County and the City of Austin implementing the Balcones Canyonlands Conservation Plan-Shared Vision contains broad authority for locating infrastructure facilities such as electric, gas, telephone, and water and waste water facilities, as well as roads, easements and rights-of-way within preserve lands that are subject to the Interlocal without the necessity of having a hearing under Chapter 26 of the Parks and Wildlife Code; and

WHEREAS, even in the face of such broad authority, the public has expressed an interest in the City conducting a public hearing under the provisions of Chapter 26; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. Council authorizes the construction of WTP#4 at its original site in the event that all necessary approvals are not received for construction

of WTP#4 at the alternative Cortaña Site from Travis County by September 27, 2006.

2. Council adopts the recommendations of the BCCP Coordinating Committee of August 21, 2006 to request a minor amendment to Federal Fish and Wildlife Permit PRT – 788841 transferring the Special Use Tract designation in the permit from the 102 acre site to the new 45 acre alternate Site that will be withdrawn from BCP contingent upon authorization by Travis County of the request for the minor amendment by September 27, 2006.
3. Council authorizes the construction of WTP#4 at the alternative Cortaña Site contingent upon the receipt of all appropriate approvals from Travis County to construct WTP#4 at the Cortaña site by September 27, 2006.
4. Council dedicates the original site, excluding the existing Fire and EMS station to BCP contingent upon the receipt of all necessary approvals from Travis County to construct WTP#4 at the Cortaña site by September 27, 2006.
5. Council dedicates the Water Quality Protection Lands (WQPL) Little Barton Creek tract to BCP under dual management as both WQPL and BCP, with public access authorization under WQPL grandfathered, and forgives the \$2,500,000 debt owed for purchase of certain other WQPL due to the dual dedication of Little Barton Creek tract to both WQPL and BCP contingent upon the receipt of all

necessary approvals from Travis County to construct WTP#4 at the Cortaña Site by September 27, 2006.

6. Council authorizes the BCCP Secretary to forward the amendment request to the United States Fish and Wildlife Service for review, along with all necessary and advisable information and documentation needed for the amendment to be processed contingent upon receiving all necessary approvals from Travis County to construct WTP#4 at the Cortaña Site by September 27, 2006.
7. Furthermore, in response to recommendations from the Citizens Advisory Committee and the Scientific Advisory Committee to the Balcones Canyonlands Conservation Plan Coordinating Committee, Council authorizes the City Manager to implement the actions described in Exhibit A, attached to and incorporated in this resolution by reference.
8. The permit amendment will become effective upon certification of approval by USFWS.
9. The City Council further directs the City Manager to begin the process for setting and conducting a public hearing under Chapter 26 of the Texas Parks and Wildlife Code in recognition of the interest expressed by members of the public; in recognition of the unique

circumstances surrounding the use of the Cortaña Site; and out of an abundance of caution that a Chapter 26 public hearing is appropriate.

ADOPTED: _____, 2006

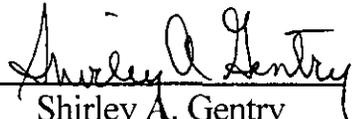
ATTEST: 
Shirley A. Gentry
City Clerk

EXHIBIT A

1. In an effort to demonstrate its continued commitment to completing the Balcones Canyonlands Conservation Plan (BCCP), as originally envisioned, City staff will work with Travis County to develop strategies and funding directed toward completing the Balcones Canyonlands Preserve (BCP) in each macrosite as described in the final EIS/HCP on pages 3-59 through 3-75.
2. The city staff will initiate a process with all BCCP Partners and the BCCP Scientific Advisory Committee to develop a plan by March 1, 2007 to complete requirements in our joint permit for protecting and managing 2000 acres of black-capped vireos. As part of this commitment the City will:
 - a. Work with all BCCP partners in an effort to assure that the plan will include adequate strategies and funding to address acquisition restoration, maintenance, and management.
 - b. Work with all BCCP partners to assure that at least 1000 acres of BCP are under active management for black-capped vireos by March, 2010.
 - c. Assure that, as the new water treatment plant site is developed, there are at least five acres of restored habitat in place for every acre of habitat lost to plant development, expecting that at least two acres of restored habitat will be suitable for occupation by black-capped vireos at that time.
3. The City will evaluate Austin Water Utility handling of environmental issues, including administration of BCCP, and institute identified changes that will assure that it is responsive to the community and environment.